

**MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
SEPTEMBER 6 2012**

1 SALEM SQUARE, WORCESTER PUBLIC LIBRARY

Commission Members Present:

Karon Shea, Commissioner
Paul Mullan, Commissioner
Anthony Salvidio, Commissioner

Staff Present:

Deborah Steele, Planning & Regulatory Services
Lt. James Johnson, Worcester Police Department
Alexandra Haralambous, Law Department
Jim Foley, Inspectional Services

COMMISSION SITE VIEWS:

2 Rice Street – Worcester Country Club
81 Water Street – Divmar LLC

CALL TO ORDER:

Commissioner Shea called the meeting to order at 10:00 a.m.

Approval of the Minutes:

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the minutes of August 16, 2012.

Unfinished Business

935 Grafton Street – Ervin Kasmi- Plaza Liquors
Petition: Request for change of manager

Ervin Kasmi appeared on behalf of application. Mr. Kasmi stated he has been working at store for a few months and has been appointed to be the new manager.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the change of manager for Plaza Liquors

Exhibit A: Application for change of manager received on June 26, 2012 and dated June 26, 2012.

2 Rice Street – Worcester Country Club

Petition: Request for alteration of premises and change of manager

Attorney Philip Leader appeared on behalf of the application.

Commissioner Salvidio recused himself from this item.

Commissioner Shea stated that the License Commission members had viewed the site prior to the meeting.

Mr. Leader stated that Jeff Glesman will be the new manager of the liquor license and that the Country Club is looking to expand liquor service to the pool area and the 9th hole snack stand. Mr. Leader stated at the 9th hole liquor will be consumed at stand and not allowed on golf course and that there will be no beverage carts on the course.

Mr. Leader stated in pool area a portable seasonable bar will be set up.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the change of manager and the alteration of premises.

Exhibit A: Application for change of manager and alteration of premises on liquor license received on July 3, 2012 and dated July 3, 2012

82 Millbury Street – Savlana, Inc.

Petition: Request for transfer of package store all alcohol license from McGovern's Package Store of Worcester, Inc

Commissioner Salvidio recused himself from this item.

Attorney Stacey Forgit appeared with Savita Prashad on behalf of the application. Ms. Forgit stated that they have met with Kempton Pollard from Department of Revenue and Department of Revenue has come to agreement with applicant to allow the transfer to go forward.

Kempton Pollard from Department of Revenue was present and stated that their department will allow the application to be sent in for approval as agreement has been reached.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the transfer of the package store all alcohol license.

Exhibit A: Application for transfer of liquor license received on July 2, 2012 and dated July 2, 2012.

91 Stafford Street – John Ly

Petition: Request for one day liquor permit – September 7, 2012.

Attorney Glen Matteson appeared on behalf of application. Mr. Mattheson stated this will be for small party for under 100 people for Vietnamese community. He stated a off-duty police officer has been hired for event.

Commissioner Shea asked what would be hours of event.

Mr. Mattheson stated event would be from 8:00 p.m. to 2:00 a.m.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the one day liquor permit.

Exhibit A: Application for one day liquor permit received on July 31, 2012 and dated July 31, 2012.

New Business

One Day Liquor Requests

100 Barber Avenue – Bartending Service of New England LLC

Petition: Request for multiple one day liquor permits on October 6, 2012, October 12, 2012, October 13, 2012, October 26, 2012

William Fuller appeared on behalf of the applications. He stated October 6, 2012 there will be an event for 100 people and hours will be 6:00 p.m. to 10:00 p.m. The October 12, 2012 event will be party and people attending will be over 30 and hours will be 7:00 p.m. – 11:00 p.m. The October 13, 2012 party people attending will be over 30 and hours will be 7:00 p.m. – 11:00 p.m. The October 26, 2012 party will be fundraiser for Higgins Armory Museum and hours will be 6:00 p.m. – 10:00 p.m.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the four one day liquor permits.

Exhibit A: Applications for one day liquor permits received on August 13, 2012 and dated August 13, 2012.

280 May Street – Bartending Service of New England LLC

Petition: Request for one day liquor permit on September 21, 2012

William Fuller appeared on behalf of the application. He stated this is for event at Temple Emmanuel and is for the Worcester State presidential inauguration reception and hours will be 4:00 p.m. to 6:00 p.m.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the one day liquor permit.

Exhibit A: Application for one day liquor permit received on August 13, 2012 and dated August 13, 2012.

266 Park Avenue – Stephen Hopkins

Petition: Request for one day liquor permit on September 16, 2012

Stephen Hopkins and Jessica Hopkins appeared on behalf of the application. Mr. Hopkins stated this will be event in outdoor patio area and they will sell food and alcohol

for Start on Street event. There will be no entertainment. The hours will be 11:00 a.m. to 6:00 p.m.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the one day liquor permit.

Exhibit A: Application for one day liquor permit received on August 21, 2012 and dated August 21, 2012.

30 Elm Street – Worcester Animal Rescue League

Petition: Request for one day liquor permit on November 2, 2012

Patty Konovin from Worcester Animal Rescue League appeared on behalf of application. She stated this even will be held at Worcester Historical Museum and is a benefit for 100th anniversary of the Worcester Animal Rescue League. The hours will be 6:30 p.m. to 10:00 p.m.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the one day liquor permit.

Exhibit A: Application for one day liquor permit received on August 27, 2012 and dated August 27, 2012.

Worcester Common – Worcester Pride

Petition: Request for one day liquor permit on September 15, 2012

Mike Johnson from Worcester Pride appeared on behalf of application and stated that they were requesting to withdraw their application.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to allow for leave to withdraw.

Exhibit A: Application for one day liquor permit received on August 8, 2012 and dated August 8, 2012.

St. Vincent's Hospital – Dean Stamoulis

Petition: Request for one day liquor permit on September 20, 2012

No one appeared on behalf of request and Commission postponed item until 9/20/2012 License Commission meeting.

Exhibit A: Application for one day liquor permit received on August 23, 2012 and dated August 23, 2012.

One College Place – Kristyn Dyer of the College of the Holy Cross

Petition: Request for one day liquor permit on September 22, 2012

Kristen Dyer appeared on behalf of the application. She stated event will be for 100 to 200 people and hours will be from 4:00 p.m. to 7:00 p.m.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approved the one day liquor permit.

Exhibit A: Application for one day liquor permit received on August 20, 2012 and dated August 20, 2012.

241 Southbridge Street – Alex Guardiola of AAA Brothers, Inc. dba Emperor’s Club

Petition: Request for one day liquor permit on September 9, 2012.

Alex Guardiola appeared on behalf of petition and stated that due to weather conditions excepted that day that they are withdrawing their application.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the leave to withdraw.

Exhibit A: Application for one day liquor permit received on August 24, 2012 and dated August 24, 2012.

Worcester Common – Historical Museum

Petition: Request for one day liquor license on September 27, 2012

William Wallace appeared on behalf of petition. He stated event is for the Harvey Ball which will be held on Worcester Common and honoring City Manager Michael O'Brien. Mr. Wallace stated event is invitation only and people will need to wear a lanyard to be allowed access to event.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the one day liquor permit.

Exhibit A: Application for one day liquor permit received on August 29, 2012 and dated August 29, 2012.

346 Shrewsbury Street – Robyn Caruso

Petition: Request for multiple one day liquor permits on September 22 2012 and October 7, 2012.

Robyn Caruso appeared on behalf of the applications. Ms. Caruso stated the September 22, 2012 event is to celebrate their grand opening and the hours will be 2:00 p.m. to 9:00 p.m. She stated the October 7, 2012 is a 5k road race and the Columbus Day Parade and would like to serve outside and the hours would be 1:00 p.m. to 9:00 p.m.

Commissioner Mullan asked about Ms. Caruso application as she stated she would be storing alcohol on premises for event for a week. Commissioner Mullan reminded applicant that is not allowed and that alcohol for the outside events must be purchased separately from a wholesaler and stored separately from the licensed premises.

Ms. Caruso stated she understood and would comply with requirements.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approved the two one day liquor permits.

Exhibit A: Application for one day liquor permit received on September 6, 2012 and dated September 6, 2012.

Common Victualer – Food Only:

11 Tobais Boland Way – Marie Boyce

Petition: Request for common victualer license at Wekandu Inc. dba Sweetfrog Frozen Yogurt

Mr. Boyce appeared on behalf of application. He stated this will be for a new yogurt shop that will be located at 11 Tobais Boland Way.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received on August 23, 2012 and dated August 23, 2012.

7 Neponset Street – Jamieson Jones

Petition: Request for common victualer license at The Original Frozen Yogurt Company

Ms. Steele informed the Commission that Mr. Jones had submitted Leave to Withdraw.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approved the Leave to Withdraw

Exhibit A: Application for common victualer license received on August 29, 2012 and dated August 29, 2012

Alcohol Permit Applications

81 Water Street – Divmar LLC

Petition: Request for sidewalk dining with alcohol

Jeff Mararian appeared on behalf of application.

Commissioner Shea stated that the Commission members had viewed the site prior to the meeting.

Mr. Mararian stated this will be for sidewalk café for outdoor dining and will only have limited tables.

Ms. Steele asked for clarification on how many tables.

Mr. Mararian stated it will be for 4 tables with 2 chairs at each table.

Commissioner Mullan reminded Mr. Mararian that he needs to adhere to outdoor dining rules.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the request for sidewalk dining.

Exhibit A: Application for outdoor dining received on August 7, 2012 and dated August 7, 2012.

11 East Central Street – 99 Restaurant

Petition: Request for Transfer of Stock of a liquor license

Attorney Joseph Devlin appeared on behalf of application. He stated 340 99 Restaurants are doing a transfer of stock and they have already provided the information to the Alcoholic Beverages Control Commission.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the transfer of stock.

Exhibit A: Application for transfer of stock received on August 21, 2012 and dated April 26, 2012.

900 West Boylston Street – 99 Restaurant of Boston LLC

Petition: Request for Transfer of Stock of a liquor license

Attorney Joseph Devlin appeared on behalf of application. He stated 340 99 Restaurants are doing a transfer of stock and they have already provided the information to the Alcoholic Beverages Control Commission.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the transfer of stock.

Exhibit A: Application for transfer of stock received on August 21, 2012 and dated April 26, 2012.

Entertainment

72 Shrewsbury Street – Volturmo LLC

Request for entertainment license to include, tv, radio, live music, amplification system

Attorney Jonathan Finkelstein appeared on behalf of application. He stated location had received approval for their liquor license and now would like to apply for entertainment.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the entertainment license.

Exhibit A: Application for entertainment license received on August 23, 2012 and dated August 23, 2012

Hearings

1394 Main Street – Pho 2000 Inc

Cessation of business hearing

Attorney Glen Mattheson appeared on behalf of item. He stated he is working with Department of Revenue and Alcoholic Beverages Control Commission on paying the back taxes owed by Pho 2000 so that it can be transferred to new owners and requested item be postponed.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to continue item until 9/20/2012.

Other Business

475 Lincoln Street – Shiya Corporation – Golden Farms Mini Mark

Discussion of Decision

Alexandra Haralambous stated that Commission had voted a denial of this application at last License Commission meeting but the Commission was not clear on reason for denial and would like that to be clarified.

After general discussion the Commission members stated reason for denial was that the Commission did not feel the applicant had provided a sufficient plan on how liquor products would be separated from the general operation of the store and had concerns on how sales to minors would be prevented.

ADJOURNMENT

The Commission adjourned the meeting at **11:10 a.m.**